

Executive Office for Immigration Review (EOIR)

Board of Immigration Appeals Office of the Clerk

Standard Operating Procedure (SOP)

FEDERAL COURT REMANDS



August 18, 2015

LIMITED OFFICIAL USE

Change 3



OFFICE OF THE CLERK LIST OF EFFECTIVE PAGES

Insert latest changed pages; dispose of superseded pages in accordance with internal policy, procedure and applicable regulations. Portions of text affected by changes are indicated by a vertical line in the outer margins of the page. The total number of pages in this document is 46

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Page Number	Change 3 Section(s) Amended
A	Modified Column Title - Change 3 /Section(s) Amended
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1	Modified Table of Contents - Chapter 11 Retitled
2	Modified Table of Contents - New Chapters 25, 26; Renumbered Chapter 27
3	Modified Chapter 1 numbering; Added 1.0 to flow with remainder document
4	Sections 2.2(a); 2.3 – language added
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6	Sections 3.2, 3.2(a), 3.4(b)bullet3 – language added
7	Section 3.7(c) deleted in entirety {(3.7(c)(1)-(c)(8)}
8	Sections 4.2(a), 4.3(c) – language added
9	Sections 4.5, 4.7 – language added
10	Sections 4.8(b), previous 4.11 deleted; New 4.11 language
11	Section 5.2 – language added
12	Sections 6.3(c), 6.3(g) – language added
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14	Sections 7.3(c), 7.3(g) – language added
15	
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18	Section 9.8 – language added
19	
20	Modified Title Chapter 11; New Sections 11.2-11.10

OFFICE OF THE CLERK
LIST OF EFFECTIVE PAGES – *Cont.*

Page Number	Change 3 Section(s) Amended
21	Sections 11.13;11.13(a) – language added
22	
23	Section 13.7 – language added
24	Section 13.14 – language added
25	Sections 14.1;14.3;14.4(a)(b);14.5 – language added
26	New Section 14.5(a-m);14.6-14.8 – language added
27	Sections 14.9 (renumbered cross sections);14.9(b)(c);14.10-12;14.14- language added
28	Sections 15.2;15.3 – language added
29	Sections 15.6-15.10 renumbered for accuracy; 15.8 - language added
30	
31	Sections 17.1;17.2(b);17.3 - language added
32	Section 17.6- language added
33	Section 18.5- language added
34	Sections 18.8(a)(b)(d);18.12- language added
35	Section 19.3 – language added
36	Section 20.0 – language added; 20.1-20.3 renumbered
37	
38	Section 22.2 – language added
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CHAPTER 1 OVERVIEW OF FEDERAL COURT REMANDS

- 1.0 If a Federal court issues an order remanding a case to the Board, it is placed on the Board's docket for adjudication by entering the remand into CASE.
- 1.1 The Clerk's Office receives the courts' orders from various sources. Most of the orders are received and handled by the Federal Court Remand Coordinator who, in turn, will forward them to the Clerk's Office to place on the Board's docket. The Clerk's Office also receives copies of the orders from the parties in the case, by mail, fax, or by e-mail.
- 1.2 A case should not be placed on the Board's docket until the order has been reviewed by the Federal Court Remand Coordinator.
- 1.3 The Board will not "start the clock" unless it has been determined that there will be no further review of the "adverse" (litigated) decision. The Federal Court Remand Coordinator or designated support staff will then enter a date screened to start the clock. **The Clerk's Office will not start the adjudication clock.**

CHAPTER 2

RECEIPT OF FEDERAL COURT REMANDS

- 2.0 Receiving and Reviewing the Remand Order. *Task Measurement = 10 per hour included in Task Measurement for entering CCR 10 per hour)*
- 2.1 When the Clerk's Office receives the Remand order, it is date stamped either by the mail room staff or Clerk's Office employee. This is considered the "filed on" date.
- 2.2 Remand orders may come from outside sources as well as the Federal Court Remand Coordinator. These outside sources may include, but are not limited to, the alien's attorney and the Department of Homeland Security (DHS) Appellate Counsel.
- 2.2(a) Any Remand orders received from an outside source will be processed exactly as the orders received from the Federal Court Remand Coordinator after the Federal Court Remand Coordinator has reviewed such orders.
- 2.3 The copies of the Remand orders that the Federal Court Remand Coordinator sends to the Clerk's Office (usually once a week on the "ORDER ROP" list) are called "slip opinions," although, in fact, they are not all slip opinions. These orders can be picked up from the designated CO box in the Federal Court Remand Paralegal's office after the ORDER ROP list email has been sent out. **Please note:** There may be notes on the ORDER ROP list which are relevant to the entry and processing of a Remand order.
- 2.3(a) Verify the A-number(s) on the list sent by the Federal Court Remand Coordinator with the A-numbers on the orders. If there is a discrepancy, please contact the Federal Court Remand Coordinator who will verify the correct A-number. **Please note:** The orders may have more than one A-number, but only those A-numbers that are sent via email by the Federal Court Remand Coordinator are to be processed.
- 2.3(b) When the "slips" are received, they should be dated, and then verified to make sure the order listed on the cover e-mail is actually attached.
- 2.3(c) If an order is missing, or if an order is not on the list but attached, and there is not already a note on the order or document indicating that the order is missing then make a note on the e-mail and then advise the Federal Court Remand Coordinator by e-mail of the discrepancy.
- 2.4 If there is any question as to whether or not the order is a remand order, the case will not be entered. The document shall be routed to the Federal Court Remand Coordinator for review and further guidance.
- 2.5 Before entering the Federal Court Remand into CASE, ensure the Board did not already enter the court remand and adjudicate the case.

- 2.5(a) If the Board has already entered a decision, and a copy of the Federal Court's order came from one of the parties, send a courtesy copy of the Board's decision to the attorney making the inquiry.
- 2.5(b) If the order came from the Federal Court Remand Coordinator, return the order to the attorney with a note that the case was previously entered into the database.
- 2.5(c) Be aware that an alien's case before the Board may have more than one Federal Court Remand order as an alien may appeal different Board decisions in his or her case. Before complying with *Section 2.5(a)* or *2.5(b)* above, check with the Federal Court Remand Coordinator to see if the Federal Court Remand order needs to be entered into CASE.

CHAPTER 3

ENTERING FEDERAL COURT REMAND CASES INTO THE AUTOMATED SYSTEM

- 3.0 Placing (Entering) the Federal Court Remand on the Board's docket. (*Task Measurement = 10 per hour*)
- 3.1 If the order does not provide the name *and* address of the attorney who represented the alien before the Federal court, check CASE to determine the name and address of the previous attorney of record.
- 3.2 In addition to determining the alien's last known address and last known legal representative from CASE, check LexisNexis CourtLink to obtain the name(s) and address(es) of the attorney(ies) who represented the alien before the federal court, if any, and the alien's address before the federal court, if listed, and print that page from LexisNexis CourtLink.
- 3.2(a) Place the LexisNexis CourtLink printout in the temporary file, for transmittal to the Federal Court Remand Coordinator with the record of proceedings.
- 3.3 Federal Court Remands are entered into CASE by clicking on "Add Appeal."
- 3.4 General Appeal Information Screen. Complete the four data fields as follows:
- 3.4(a) **Appeal/Mot. Type:** Select Federal Court Remand from the drop down list.
- 3.4(b) If Federal Court Remand is not listed on the drop down, select "Motion to Reopen" (as a work-around):
- Special Issue: Select Federal Court Remand.
 - Write "FCR" on the barcode label(s).
 - Send an e-mail to the EOIR-Helpdesk with a "cc" to the following individuals: BIA-ITO, Donna Carr, and your supervisor to advise them of the problem asking them to add "Federal Court Remand" to the drop down list. Place a copy of the e-mail in the drop file.
 - Make a notation in CASE Comments that a Federal Court Remand was received; however, because it could not be properly entered, the CCR was entered and barcoded as an MTR; and that the EOIR-Helpdesk was notified.
- 3.4(c) **Appeal Due:** Enter the Board's date stamp.
- 3.4(d) **Filed On:** Enter the Board's date stamp.
- 3.4(e) **Filed By:** Select "Other" from the drop down list.
- 3.5 The Board requires no fee for placing a Federal Court Remand on its docket.
- 3.6 Before the Board recognizes an attorney of record, that person must complete a new

Form EOIR- 27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Until a Form EOIR-27 is properly filed with the Board, the alien shall be considered *pro se*.

- 3.7 If a current Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals) is attached to the order, enter the attorney of record in CASE under the REPS tab. Verify and update the alien's address under Alien Info/ Contact tab. If you have any questions regarding this process, please contact your supervisor for further guidance before proceeding.
- 3.7(a) Do not change the alien's address if it is the same as the attorney's address.
- 3.7(b) Once the EOIR-27 has been reviewed and processed, initial and date the form at the bottom next to the attorney's address and at the top of the form next to the alien's address. Attach a blue tab to the form.
- 3.8 Enter all "A" numbers that are included in the court's order using the same procedures as indicated above.
- 3.8(a) Verify the A-number(s) on the list sent by the Federal Court Remand Coordinator with the A-numbers on the orders. If there is a discrepancy, please contact the Federal Court Remand Coordinator who will verify the correct A-number. **Please note:** The orders may have more than one A-number, but only those A-numbers that are sent via email by the Federal Court Remand Coordinator are to be processed.
- 3.9 Once the Federal Court Remand is entered, affix a yellow tab to the court's order.

CHAPTER 4
PREPARING THE NOTIFICATION OF RECEIPT FOR THE FEDERAL COURT REMANDS

4.0 Preparing a Notice of Receipt. (*Task Measurement = 10 per hour; included into Task Measurement for entering CCR 10 per hour*)

4.1 Access CASE to prepare a Notice of Receipt.

4.1(a) Enter the Alien's A-number.

4.1(b) Double click on the appropriate case type, that is the Federal Court Remand case, to open it up.

4.1(c) Select the "Actions" tab at the top of the screen.

4.1(d) Under the "Print" column, click on the drop down arrow.

4.1(e) Click onto "Notice" and then click "Go."

4.1(f) The "List of Main Forms" screen appears.

4.1(g) Select the appropriate Notice number, which is "01D, Notification of Receipt for Pending Federal Court Remand."

4.1(h) Make sure the appropriate riders, if any, are included on the Notice.

4.1(i) Generate and print out the Notice.

4.2 Notice 01D (Notification of Receipt for Pending Federal Court Remand) which indicates both parties—the DHS counsel and the alien and/or their representative—were notified that the case has been placed on the Board's docket for adjudication, shall be sent to the alien (and/or their representative) and to the DHS counsel.

4.2(a) Notice 01D (Notification of Receipt for Pending Federal Court Remand) must also be sent to the alien and/or their attorney(ies) listed on the LexisNexis CourtLink printout (*See Section 3.2, above*) as representing the alien before the federal court.

4.3 **Before sending a Notification of Receipt to a detained alien, please do the following steps:**

4.3(a) Check alien's current custody status in CASE.

4.3(b) Check alien's current address in CASE.

4.3(c) Obtain a Form I-830 (Notice to EOIR - Alien Address) from DHS and then verify the following information:

- Date alien taken into custody
 - Date alien released from custody
 - If released or transferred to another facility, the alien's address as it appears on the Form I-830.
- 4.3(d) If the address on the Form I-830 is most recent and differs from CASE, update CASE with this address information. Initial and date the form by the change; attach a blue tab.
- 4.3(e) Place the Form I-830 in the drop file or in the Record of Proceedings (ROP) on the right side.
- 4.3(f) If the information reveals that the *alien has been deported* and has not provided the Board with a change of address, a contact person to whom correspondence should be sent, or an EOIR-27 reflecting legal representation, then the Notice should be sent to the alien at his or her last known address in the record.
- 4.3(g) If the DHS provides an updated address via email, and does not provide an I-830, then update CASE with the address information provided then print the email on lavender paper and file on the left side of the ROP.
- 4.4 Until a Form EOIR-27 is properly filed with the Board, the alien shall be considered *pro se*. See 3.6, above.
- 4.5 If the alien's attorney has been suspended or disbarred, do not serve that attorney. Retrieve a copy of the Board's Attorney Discipline order from the Attorney Discipline Coordinator and copy of the order on to purple paper then file it in the record of proceedings.
- 4.6 A copy of the Notification (Notice 01D) must be filed in every Federal Court Remand ROP and any Rider ROPs, as deemed appropriate.
- 4.7 Serve the Notification on the alien to the alien's last known address before the Board, the alien's address before the federal court if listed on LexisNexis CourtLink, and the address provided by DHS if the alien is detained, *and* send a courtesy copy to the attorney who represented the alien in the previous Board proceeding when the following exists:
- 4.7(a) The Federal Court's order or underlying motion that was filed with the Federal Court reflects the attorney's name *but not their address*;
and
- 4.7(b) The alien was represented before the Board when the case was last before it.
- 4.8 Serve the Notice on the alien *and* send a courtesy copy to the attorney who represented him/her before the Federal Court when:

- 4.8(a) The Court's order or the underlying motion that was filed with the Federal Court reflects the attorney's name and address, or
- 4.8(b) There is one or more attorneys listed on the LexisNexis CourtLink printout representing the alien before the federal court.
- 4.9 Serve the Notice on the alien's attorney only when:
 - 4.9(a) The Federal Court's order has a Form EOIR-27 attached. Enter the E-27, and then prepare the Notice.
- 4.10 Serve the Notice only on the alien when:
 - 4.10(a) There is no attorney's name and address on the court's order; *or*
 - 4.10(b) The alien was *pro se* before the Federal Court; *and*
 - 4.10(c) The alien was *pro se* when last before the Board.
- 4.11 For detained cases, on the outside of the envelope, stamp the envelope with "Legal Mail."
- 4.12 It is preferable that the Notice be sent out on the date on the Notice. However, Notices *must* be sent out no more than 1 business day from the date on the Notice.
- 4.13 Stamp "FCR" in upper, left-hand corner of envelope.
- 4.14 Mail must be placed in the designated out-box, ready for pick up by the mail room staff, by 3:30 pm.

CHAPTER 5

PREPARING A DROP FILE FOR THE FEDERAL COURT REMANDS

- 5.0 Preparing the drop file. *(Task Measurement = 10 per hour; included in Task Measurement for entering CCR = 10 per hour)*
- 5.1 The drop file is a manila folder that holds the court's order, the Board's Notice(s), all correspondence, forms, all e-mails, flags, and other in-house communications until the ROP is received.
- 5.2 When the Federal Court Remand is entered, CASE will automatically generate an EOIR-26 barcode label. Attach the EOIR-26 barcode label to the file folder. Place the documents in the file and scan it to the appropriate Functional Level and Responsible Party to await receipt of the record of proceedings.
- 5.3 Drop files should be filed in order by the last 3-digits. If the court's order includes multiple "A" numbers, create a drop file only for the lead "A" number. If the lead is not included in the order, create the drop for the pending rider only.
- 5.4 Drop files must be scanned to the cabinet on the day the FCR was entered into the database. *No drop files should be kept or left on the employee's desk.*

CHAPTER 6
SENDING A 30-DAY NOTICE TO THE IMMIGRATION COURT TO OBTAIN THE RECORD OF PROCEEDINGS (ROP) FOR FEDERAL COURT REMANDS

6.0 Sending a 30-day Notice to the Immigration Court.

- 6.1 If the ROP is not received in 30 days from the date it was entered into CASE, the ROP must be requested from the Immigration Court by sending a 30-day Notice to the Immigration Court that has administrative control over the record of proceedings.
- 6.2 *Before sending a 30-day Notice*, check CASE to make sure the ROP is not at Headquarters, such as in Case Storage, with the Certification Unit, or the FOIA Unit. Check CASE Comments to determine if there is any indication the ROP was recently sent to the Board and that the ROP in transit.
- 6.3 Do not send a 30-day Notice to the Immigration Court if the ROP is with Case Storage, Certification or the FOIA Unit.
 - 6.3(a) Send an e-mail to the Team Leader for Case Storage, the head of the Certification Unit, or to the FOIA Unit contact person, to request the ROP.
 - 6.3(b) A copy of the e-mail must be sent to your team leader.
 - 6.3(c) Make a note on the 30-day Report the whereabouts of the file (*e.g.*, Case Storage, 20 FL/ Area 2/ Cab 001, ROP with Certification, or ROP with FOIA); include your initials and date.
 - 6.3(d) Print out e-mail and place it in the drop file.
 - 6.3(e) All responses to your request must be printed and filed in the drop file.
 - 6.3(f) Place note in CASE Comments regarding request from Case Storage, Certification Unit, or the FOIA Unit.
 - 6.3(g) Upon receipt of ROP, give the ROP to the person assigned to the ROP Receiving Team to receive and barcode the file.
- 6.4 Do not send a 30-day Notice to the Immigration Court, if the ROP is already in transit to the Board.
 - 6.4(a) Place a note in CASE Comments to indicate that the ROP is in transit, include your initials and date.
 - 6.4(b) Annotate the 30-day report as to the whereabouts of the ROP.

- 6.5 If the ROP has not been received, is not at Headquarters, and is not in transit, send a 30-day Notice. Use the Immigration Court contact list for the names of the employees who should be included in the e-mail.
- 6.5(a) Put a note in CASE Comments regarding the request from the Immigration Court.
- 6.5(b) Annotate the 30-day report as to whereabouts of the ROP, or when the e-mail was sent to the Immigration Court, and file the annotated report in your Report Binder.
- 6.6 Unless otherwise instructed, a copy of the e-mail must be sent to your supervisor.
- 6.7 The correct format for a 30-day Notice is as follows and must be used:

First Notice: 30 days

Greetings IC- [Base City]

This is to request that you kindly forward to the Board at your earliest opportunity the following ROP(s), including the lead and all riders. The ROP(s) are needed in order to adjudicate a Federal court remand that was filed more than 30 days ago.

[List the "A" number(s)]

We have checked CASE, but the ROP(s) have not been sent to the BIA Clerk's Office as of this date.

Many thanks for your help with these cases.

[Your name]
BIA Clerk's Office
[Tel. Number]

- 6.8 A copy of the e-mail must be placed in each drop file.
- 6.9 All responses from the Court must be printed and filed in the drop file.
- 6.10 A note must be placed in CASE Comments indicating a 30-day Notice was sent to the Immigration Court, followed by your team and your initials. *Example: 30-day Notice sent to IC/LOS ---- PS/na*
- 6.11 Annotate the 30-day report as to whereabouts of the ROP, or when the e-mail was sent to the Immigration Court, and file the annotated report in your Report Binder.
- 6.12 Only one 30-day Notice should be sent in a case.

CHAPTER 7
SENDING A 60-DAY NOTICE TO THE IMMIGRATION COURT TO OBTAIN THE RECORD OF PROCEEDINGS (ROP) FOR FEDERAL COURT REMANDS

7.0 Sending a 60-day Notice to the Immigration Court.

- 7.1 If the ROP is not received in 60 days from the date it was entered into CASE, the ROP must be requested from the Immigration Court by sending a 60-day Notice to the Immigration Court that has administrative control over the record of proceedings.
- 7.2 Before sending a 60-day Notice, check CASE to make sure the ROP is not at Headquarters, such as in Case Storage, with the Certification Unit, the FOIA Unit. Check CASE Comments to determine if there is any indication the ROP was recently sent to the Board and that the ROP is in transit.
- 7.3 Do not send a 60-day Notice to the Immigration Court if the ROP is with Case Storage, Certification or the FOIA Unit.
 - 7.3(a) Send an e-mail to the Team Leader for Case Storage, the head of the Certification Unit, or to the FOIA Unit contact person, to request the ROP.
 - 7.3(b) A copy of the e-mail must be sent to your team leader.
 - 7.3(c) Make a note on the 60-day Report the whereabouts of the file (*e.g.*, Case Storage, 20 FL/ Area 2/ Cab 001, ROP with Certification, or ROP with FOIA); include your initials and date.
 - 7.3(d) Print out e-mail and place it in the drop file.
 - 7.3(e) All responses to your request must be printed and filed in the drop file.
 - 7.3(f) Place note in CASE Comments regarding request from Case Storage, Certification Unit, or the FOIA Unit.
 - 7.3(g) Upon receipt of ROP, give the ROP to the ROP Receiving Team to receive and barcode the file.
- 7.4 Do not send a 60-day Notice to the Immigration Court, if the ROP is already in transit to the Board.
 - 7.4(a) Place a note in CASE Comments to indicate that the ROP is in transit, include your initials and date.
 - 7.4(b) Annotate the 60-day report as to the whereabouts of the ROP.
- 7.5 If the ROP has not been received and is not in transit, send a 60-day Notice. Use the Immigration Court contact list for the names of the employees who should be included in

the e-mail.

7.5(a) Put a note in CASE Comments regarding the request from the Immigration Court.

7.5(b) Annotate the 60-day report as to whereabouts of the ROP, or when the e-mail was sent to the Immigration Court, and file the annotated report in your Report Binder.

7.6 Unless otherwise instructed, a copy of the e-mail must be sent to your supervisor.

7.7 The correct format for a 60-day Notice is as follows and must be used:

Second Notice: 60 days

Greetings IC-[Base City]

This is to request that you kindly forward to the Board at your earliest opportunity the following ROP(s), including the lead and all riders. The ROP(s) are needed in order to adjudicate a Federal court remand that was filed more than 60 days ago.

[List "A" number(s)]

We have checked CASE, but the ROP(s) have not been sent to the BIA Clerk's Office as of this date.

Thank you for your assistance with these cases.

[Name of BIA employee]
BIA Clerk's Office
Tel. ()

7.8 A copy of the e-mail must be placed in each drop file.

7.9 All responses from the court must be printed and filed in the drop file.

7.10 A note must be placed in CASE Comments indicating a 60-day Notice was sent to the Immigration Court, followed by your team and your initials. *Example: 60-day Notice sent to IC/LOS – PS/naa*

7.11 Annotate the 60-day report as to whereabouts of the ROP, or when the e-mail was sent to the Immigration Court, and then file the report in the Report Binder.

7.12 Only one 60-day Notice should be sent in a case.

CHAPTER 8
THE PROCESS FOR REQUESTING RECORD OF PROCEEDINGS (ROP) NOT RECEIVED
AFTER 90-DAYS FOR FEDERAL COURT REMANDS

8.0 Requesting a copy of the ROP.

- 8.1 If the ROP is not received in 90 days from the date it was entered into CASE and the file cannot be located, steps must be taken to obtain a copy of the ROP.
- 8.2 Send an e-mail to the head of the Certification Unit, ATTN: Name of head of Certification Unit, to request a copy of the ROP that EOIR provided to the Federal court.
- 8.3 Unless otherwise instructed, a copy of the e-mail must be sent to your supervisor.
- 8.4 The correct format for requesting ROP(s) is as follows and must be used:

Request for copy of the record of proceedings

Greetings Certification Unit -

The original ROP(s) cannot be located for the following ROP(s). These files are needed to adjudicate cases that the Federal court remanded to the Board. Would you please take appropriate steps to obtain a copy of the file that the Certification Unit provided the Federal court.

[List "A" number(s)]

Many thanks for your help.

[Name of Clerk's Office employee]
BIA Clerk's Office
Tel. ()

- 8.5 If there is more than one case being requested, a copy of the e-mail must be placed in each drop file.
- 8.6 All responses to your request must be filed in the drop file.
- 8.7 A note must be placed in CASE Comments indicating a request for a copy of the ROP was sent to Name of Head of Certification Unit Cert Unit, followed by your team and your initials.
- 8.8 Annotate the 90-day Report indicating the date the copy was requested from Cert.
- 8.9 If the Certification Unit cannot obtain a copy of the ROP, or the file cannot otherwise be reconstructed, a Temporary file shall be created. *See Section 9.0.*

8.10 If the Certification Unit does provide a copy of the certified record, create a TEMP ROP and barcode **in accordance to *Section 9.1-9.4***.

8.10(a) Place a note in CASE Comments that a TEMP file was created with a copy of the certified record, include your initials and date.

8.10(b) Log In case as instructed in *Section 13*.

CHAPTER 9
CREATING A TEMPORARY (TEMP) RECORD OF PROCEEDINGS (ROP)
FOR FEDERAL COURT REMANDS

- 9.0 Creating a TEMP file. (*Task Measurement = 10 per hour*)
- 9.1 Use a blue ROP file folder, write “TEMP ROP” in black magic marker on the front.
- 9.2 Receive the ROP by going to CASE / APPEAL / ROP / EDIT and entering the date received and number of files.
- 9.3 ROP barcode should be auto generated when input data into CASE.
- 9.4 Attach ROP barcode to the file.
- 9.5 All Notices and incoming forms and correspondence shall be placed on the right side in reverse chronological order.
- 9.6 Place the 30 and 60 day e-mails on the left side. Print a copy of any response to the emails, and place them on the left side. If the Immigration Court did not respond to your e-mails, make a notation on your 30-60 day emails: “No response.” Date and initial the note.
- 9.7 Check the CASE Comments section of CASE and print that screen; place it on the left hand side.
- 9.8 A note must be placed in CASE Comments indicating a Temp ROP was created, the reason it was created (*e.g.*, the original ROP cannot be located), and that the temp ROP has been barcoded as Copy ROP 1. The note must include the employee’s initials and team.
- 9.9 Log-in the case as indicated in *Section 13*.

CHAPTER 10
RECEIPT OF THE RECORD OF PROCEEDINGS (ROP) FROM THE IMMIGRATION COURT

- 10.0 Receiving the ROP from the Immigration Court. (*Task Measurement = 20 per hour*)
- 10.1 The mail room staff will receive and date-stamp the upper right hand corner of the record of proceedings (ROP) and deliver the ROP to a Receiver. Mail room staff will follow the guidelines set forth in the Standard Operating Procedures (SOP) for Receiving ROPs.
 - 10.2 The Receiver will enter the ROP received date, number of files, and barcode the file(s) and tape bag(s).
 - 10.3 The Receiver will scan and route the ROP to the Clerk's Office employee responsible for entering the Federal Court Remands.
 - 10.4 It is the employee who is entering the Federal Court Remands responsibility to verify that the ROP has been received correctly and that the ROPs have been properly bar-coded.
 - 10.5 Any discrepancy with ROP bar-coding should be rectified by creating a new barcode.

CHAPTER 11

CREATING A LABEL FOR A NEW ROP VOLUME

11.0 Barcoding the Record of Proceedings (ROP). *(Task Measurement = 20 per hour)*

- 11.1 If a file is created, change the number of files received in CASE.
 - 11.1(a) In Appeals, click on “ROP.”
 - 11.1(b) Click on “Edit.”
 - 11.1(c) Enter the “Received On Date.”
 - 11.1(d) If tapes were received, in “# of Tapes of Rec’d” put the number of tapes came in with the ROP.
 - 11.1(e) In “# of Files Rec’d”, in addition to the ROPs received, you must add the newly created files to your total. For example, you received 3 ROPs, and created one new ROP. The number you will put in 4 as the “# of Files Rec’d.”
- 11.2 After Logging into CASE, on the menu bar in CASE, click “Other Programs.”
- 11.3 Under “Description” you will find “Bar Code Search.” Across from this and under the word “Location,” click onto the words “Click to Launch.”
- 11.4 Enter the A-number associated with the Federal Court Remand case and click “Search.”
- 11.5 Locate ROP 1 listed under “Document Type.” Click on the box icon which appears left of the A-number. A check mark will appear in the box.
- 11.6 Under “Library Tools” located at the top left screen, click on the middle tab “Documents” and then click on “Edit Properties” which will immediately appear.
- 11.7 A new screen will populate. Scroll to the bottom of the screen, until you find “Media Volume.” Enter the correct ROP number that you need to make a barcode. Click “Save” and close the tab.
- 11.8 Click “Physical Items” at the top left hand corner and a new screen appears.
- 11.9 Locate the appropriate ROP number desired for printing a bar code label listed under “Document Type” by clicking on the box icon which appears left of the A-number. A check mark will appear in the box.
- 11.10 Click on “Print Labels” at the top of the screen.

- 11.11 After the barcode prints out, check to make sure the A-number, Alien's name, ROP number, and case type are correct on the barcode label. If any of the information is incorrect, make a new barcode label following the above steps.
- 11.12 Peel off the new barcode label carefully, and apply to the appropriate Record of Proceedings (ROP).
- 11.13 Scan new label to the proper Functional Level and Responsible Party.
 - 11.13 (a) If the ROP is to be sent to the FCR Coordinator, the Functional Level is the "Board" and the Responsible Party is the name of the FCR Coordinator. If the FCR Coordinator has both a home and office listing, scan the ROPs to the office location.

CHAPTER 12
MATCHING THE DROP FILE WITH THE RECORD OF PROCEEDINGS (ROP)

- 12.0 Matching the drop file with the ROP. (*Task Measurement = 20 per hour*)
- 12.1 If the transcript is in the ROP, remove tape bag(s) from the ROP and give them to the transcription unit to return to the Immigration Court.
- 12.2 Place the drop file on top of the ROP and scan to 20/Area 1, Cab 119
- 12.2(a) Hold the file 21 days (calendar days) from the date of receipt of the ROP to await any submissions by the parties.
- 12.3 *If there is no drop file in the cabinet, there may be a reason for it*, such the file is a rider and needs to be banded to the lead file. Before consulting with your supervisor, take steps to determine the reason the file was sent to the Board:
- 12.3(a) Ensure the drop file isn't misfiled.
- 12.3(b) Review the ROP for any notes indicating who the file was sent to and why the file was sent.
- 12.3(c) Check CASE Comments.
- 12.3(d) Check all riders (including CASE Comments).
- 12.4 If a drop file must be re-created, request a copy of the Federal court's order from Federal Court Remand Coordinator. Once the copy of the order is received, send the Notice to the parties as outlined in *Section 4.0*, above, and scan the ROP to a cabinet to hold for 20 days.
- 12.5 ROPs that are received must be matched and scanned to a cabinet within 1 business day. Unmatched ROPs shall not be left on the matching cart or employees' desk for more than 1 business day from receipt.

CHAPTER 13
**FIRST ENTRY (LOG-IN) OF THE RECORD OF PROCEEDINGS (ROP): 21 DAYS AFTER
ENTERED INTO AUTOMATED SYSTEM OR ROP RECEIVED**

13.0 Logging in the case: 1st Log In. (*Task Measurement = 15 per hour*)

- 13.1 The ROP should be held in the cabinet for 21 days to await any forms. After the 21 days has expired, the ROP can be pulled. Use the “Ready for Log-In” Report to identify which cases are ready to be pulled and logged in.
- 13.2 Before filing the ROP on the shelf, complete a quality review on each remand case to make sure that:
 - 13.2(a) Federal Remand properly entered into CASE system.
 - 13.2(b) ROP(s) correctly bar-coded.
 - 13.2(c) All appropriate ROP(s) have been received (that is, Lead files and any related Riders) and entered into CASE.
 - 13.2(d) CASE Comments checked.
 - 13.2(e) Documents tabbed correctly within the ROP.
 - 13.2(f) Board Notices, briefs, forms, correspondence, and all other submissions are initialed, dated, and properly entered into the CASE system as received, if necessary, and then placed in the Record of Proceedings (ROP) in reverse chronological order. That is, the most current dated document is on top, and the oldest dated document is on the bottom of the Record of Proceedings (ROP).
- 13.3 *On top of the file:* Attach an Issues Sheet and circle the “Federal Court Remand” issue. On top of the Issues Sheet place the court’s order and a completed routing slip to the Federal Court Remand Coordinator.
- 13.4 *Inside / Right side of ROP:* Place a copy of the Notice, forms, and correspondence with the most recently-filed document on top.
- 13.5 *Inside / Left side of ROP:* Place e-mails and other in-house notes or computer screens.
- 13.6 Once the contents are placed inside the ROP, the drop file is no longer needed and can be discarded or recycled.
- 13.7 If the ROP is more than 1 1/2 " thick, another file shall be created and new barcode shall be generated for the new ROP. **Refer to Section 11.0 for creating a new bar-code.**
- 13.8 Attach a pink Federal Court Remand flag to the ROP.

- 13.9 Attach a green 90/180 Day Clocks flag. *However, do not start the clock.*
- 13.10 If the alien is *detained*, attach only a “RUSH” flag to the ROP and write “FCR on the flag. A pink FCR flag is not necessary.
- 13.11 If an EOIR-27 or EOIR-33 was filed, ensure the form is completed correct and has been processed. All forms must be initialed, dated, and tabbed.
- 13.12 Under the CASE / Appeal / Docket tab enter the following dates (these 3 dates will be the current date or today’s date):
- Docket Date
 - Rec’d by Docket
 - To Screening
- 13.13 Under Appeal / Issues tab:
- Select Federal Court Remand.
- 13.14 Scan the ROP to the FCR Coordinator per 11.11(a): Functional Level: Board; and Responsible Party: PepperK-Office
- 13.15 The mail room staff will deliver the ROP to the designated area.

CHAPTER 14

SETTING THE BRIEFING SCHEDULE FOR FEDERAL COURT REMANDS

14.0 Setting the briefing schedule. (*Task Measurement = 8 per hour*)

- 14.1 Briefing schedules are not set in all Federal Court Remands. From those cases where a briefing schedule is being set, only a portion of those cases require that the tapes and/or DAR be transcribed. If a briefing schedule is needed, the Federal Court Remand Coordinator will return the ROP(s) to the Clerk's Office. The Federal Court Remand Coordinator may also ask the Clerk's Office to instruct the parties to address specific issues in their briefs. In such cases, the Federal Court Remand Coordinator will provide the language to be used in the briefing Notice. *If the instructions are not clear*, consult with the Federal Court Remand Coordinator or your team leader for guidance.
- 14.2 If the case has been previously logged in, delete the three log-in dates -- Docket Date, Rec'd by Docket, and To Screening -- before setting the briefing schedule.
- 14.3 A copy of the transcript and Immigration Judge's decision is not provided with a briefing schedule *unless* informed by Federal Court Remand Coordinator to obtain a transcript of the hearing and/or the Immigration Judge's decision which was prepared, and to set the briefing schedule for the Federal Court Remand case. In such instances, then obtain a copy of the transcript by following these steps if there are tape(s) associated with the hearing:
 - 14.3(a) Request the tape(s) of the hearing from the Immigration Court via e-mail with specific instructions that the Immigration Court attach a copy of your e-mail to the tape bag and send it to your attention.
 - 14.3(b) Make a note in CASE Comments regarding the request of the tapes from the Immigration Court.
 - 14.3(c) Place a copy of the e-mail on the left-hand side of the ROP.
- 14.4 Once the tape(s) have been received from the Immigration Court, send the tape(s) out for transcription.
 - 14.4(a) Scan the tape bags to the Transcription Team and Tape Pickup Box location.
 - 14.4(b) Place the tape bag in the Tape Pick Up Box.
 - 14.4(c) These tapes are normally transcribed on a 20-day turn around unless otherwise indicated by the SLA or SPA.
- 14.5 If informed by the Federal Court Remand Coordinator to obtain a transcript of the hearing and/or the Immigration Judge's decision which was prepared, and to set the briefing schedule for the Federal Court Remand case, then obtain a copy of the transcript

by following these steps in CASE *and* eTranscription if there is Digital Audio Recording (DAR) associated with the hearing:

- 14.5(a) After Logging into CASE, on the menu bar in CASE, click “Case Manager.”
 - 14.5(b) Enter the A-number associated with the Federal Court Remand case and click “Search.”
 - 14.5(c) Click on the appropriate proceeding
 - 14.5(d) Under the “Appeal” Tab, scroll down to “ROP Information” and Click “Edit” to reflect “Yes” for “Audio Recording.”
 - 14.5(d)(1) There exists a wait period upon updating CASE to annotate audio recording and when this change batches over to eTranscription.
 - 14.5(e) Click on eTranscription from the Start Menu
 - 14.5(f) The eTranscription Full Menu will populate
 - 14.5(g) Click on “Search by A-Number”
 - 14.5(h) Type in the A-Number associated with the Federal Court Remand
 - 14.5(i) Click on the A-Number for the appropriate proceeding
 - 14.5(j) Click on the “Hearings” tab at the top of the screen to ensure the correct “Hearing Date” is checked in the box left to the “Hearing Date”
 - 14.5(k) If the “Transcription Status” at the top of the screen is “Ready for Assignment” no further action is needed. The system has ‘released” it to Transcription
 - 14.5(l) If the “Transcription Status” is “Ready for AE Review” then Analysis/Action is required prior to clicking “Send to Ready for TSU Review.”
 - 14.5(m) Once you click on “Send to Ready for TSU Review “at the bottom of the screen, the transcript request has been released to Transcription and no further action from the Appeals Examiner is required.
- 14.6 The transcripts will be sent to the designated Transcription Company to be transcribed.
 - 14.7 The DAR is normally transcribed on a 20-day turn around unless otherwise indicated by the SLA or SPA.
 - 14.8 Once the transcripts have been received from the Transcription Company, the transcript will be forwarded to the Federal Court Remand Coordinator along with the ROP.

- 14.9 Upon receipt of the transcript, set the briefing schedule as it pertains to the non-detained or detained case (*See Sections 14.10 and 14.11*).
- 14.9(a) Provide one copy of the transcript to the alien or the alien's representative and one copy of the transcript to the Department of Homeland Security (DHS) along with the briefing schedule.
- 14.9(b) The original copy of the transcript will be kept in the Record of Proceedings (ROP). The transcript shall be placed on top of the most recent filing in the ROP, not placed in the ROP where an appeal was filed or the Immigration Judge's summary order is located.
- 14.9(c) The briefing schedule should have a note on it stating: "A copy of the transcript is enclosed" OR a note as indicated by the Federal Court Remand Coordinator.
- 14.10 *Non-detained case*: Briefing schedules grant 21 days. The due dates are concurrent, granting the parties the same 21 days. The briefing schedule shall be set for all aliens listed on the Federal Court Remand order. That is, the briefing schedule information will be entered into CASE on the lead and rider(s), if any.
- 14.11 *Detained case*: Briefing schedule grants 21 days. The due dates are concurrent, granting the parties the same 21 days. The briefing schedule shall be set for all aliens listed on the Federal Court Remand order. That is, the briefing schedule information will be entered into CASE on the lead and rider(s), if any.
- 14.12 Two copies of the briefing schedule shall be printed and sent to each of the parties, with two copies to the alien or the representative, and two copies to the DHS attorney.
- 14.12(a) If the attorney has been suspended or disbarred, do not serve that attorney. Make a Copy of the Board's Attorney Discipline order on to purple paper and file it in the record of proceedings. Unless another attorney files a Form EOIR-27, the alien will be considered *pro se*.
- 14.12(b) If the file contains a recent submission from an attorney, but there is no Form EOIR-27 on file, request an EOIR-27 from the attorney before setting the briefing schedule.
- 14.13 One copy of the briefing schedule shall be sent to DHS-ICE Appellate counsel.
- 14.14 If the briefing schedule is sent to a detained alien, the envelope must be stamped "Legal Mail."
- 14.15 File a copy of the briefing Notice in the lead ROP and any pending riders.

CHAPTER 15

PROCESSING THE BRIEFING SCHEDULE EXTENSION REQUESTS FOR FEDERAL COURT REMANDS

15.0 Extension Requests. (*Task Measurement = 10 per hour*)

- 15.1 Before processing any extension requests, the Record of Proceedings (ROP) must be retrieved.
- 15.2 *Non-detained case*: Each party will be granted one extension request. That is, one extension request will be granted for the alien and one extension request will be granted for DHS. The extension schedule shall be set for all aliens listed on the Federal Court Remand order.
- 15.3 *Detained case*: Absent extraordinary circumstances, only one extension per case will be granted. That is, no matter if the alien or DHS submits an extension request—only one extension will be granted. The extension schedule shall be set for all aliens listed on the Federal Court Remand order. If additional extension requests are made, consult with the Federal Court Remand Coordinator before granting or denying the additional extension requests.
- 15.4 Extension requests will be retained in the lead ROP, if pending. If the lead is not pending, then retain it in the rider ROP.
- 15.5 Requests for an extension shall be denied for the following reasons:
 - 15.5(a) A second extension request shall be denied unless *extraordinary circumstances* are shown. If in doubt whether or not extraordinary circumstances are present, consult with the Federal Court Remand Coordinator or your supervisor for guidance.
 - 15.5(b) An extension request that is untimely shall be denied. The request must be received by the current brief-due date.
 - 15.5(c) An extension request received from an attorney who is not the attorney of record, shall be denied.
 - 15.5(d) *Non-detained case*: The extension request does not include a certificate/proof of Service on the opposing party.
 - 15.5(e) *Detained case/Represented*: The extension request *does not include a certificate/proof of service on the opposing party*

Exception: *Detained case/pro se*, the request shall not be denied for lack of service. A courtesy copy of the extension request shall be enclosed with the DHS's briefing schedule.

- 15.6 Two copies of the Extension Notice shall be sent to each party.
- 15.7 One copy of the Extension Notice shall be sent to the DHS-ICE Appellate Counsel.
- 15.8 If the Extension Notice is being mailed to a detained alien, “Legal Mail” must be stamped on the envelope.
- 15.9 Extension Grants / Extension Denied Notices must be mailed out on the same date on the Notice.
- 15.10 File a copy of the Notice in the lead ROP and any pending riders. The Extension request should be attached to the Notice in the lead ROP, if pending. If the lead is not pending, then attach it to the Notice in the rider ROP.

CHAPTER 16
RECEIPT OF BRIEFS FOR FEDERAL COURT REMANDS

16.0 Receiving Briefs. (*Task Measurement = 20 per hour*)

16.1 The “received date” is the date the document was received and date stamped by the Clerk’s Office.

16.2 A brief that is untimely *shall not be rejected* for Federal Court Remands.

16.3 *Briefs shall be rejected for the following reasons:*

16.3(a) *Non-detained case:* A brief that does not show proper proof of service on the opposing party shall be rejected.

Exception: *Detained/pro se:* A brief that does not show proper proof of service on the opposing party shall not be rejected. The Clerk’s Office shall serve a courtesy copy on the opposing party. (Notice 99F)

16.3(b) *Detained/Represented:* A brief that does not show proper proof of service on the opposing party shall be rejected.

16.3(c) *Detained/Non-detained:* Briefs submitted by an attorney who is not the attorney of record shall be rejected.

16.4 When a brief has been received, please enter receipt of the brief via CASE.

16.4(a) Under the Appeals tab in CASE, select “Brief.”

16.4(b) Click “Edit.”

16.4(c) Next to “Filed On,” put in the date stamped on the brief as received by the Clerk’s Office.

16.4(d) Click “Save Data” located at the bottom of the Brief edit screen.

16.5 Brief(s) that have been noted in CASE/Appeal/Briefs as received shall be affixed with a purple tab which has been annotated with an “I” (ICE) or “A” (Alien), and then filed in the ROP.

16.6 Once a brief has been received, it is important that it gets placed in the lead ROP within 1 business day.

16.6(a) If the lead ROP is not pending, place the brief in the rider ROP.

CHAPTER 17
SECOND ENTRY (LOG-IN): BRIEFS RECEIVED OR BRIEFING SCHEDULE EXPIRED
FOR THE FEDERAL COURT REMANDS

- 17.0 Logging in the case. This is also known as the “Second Log-In.” (*Task Measurement = 15 per hour*)
- 17.1 Upon receipt of both briefs, or upon expiration of the briefing schedule, the case shall be logged in and scanned to the Federal Court Remand Coordinator upon the Federal Court Remand Coordinator’s request for all expired briefing schedule cases. *See Sections 13.12 for log-in instructions, 13.13 for issues, and 11.13 for scanning.*
- 17.2 Complete a quality review of the Record of Proceedings (ROP) to ensure:
- 17.2(a) Record of Proceedings (ROP) correctly bar-coded.
- 17.2(b) All volumes related to the alien’s proceedings on remand have been received. Check to make sure that any related Riders have also been received.
- 17.2(c) Transcripts, if any, have been filed in the ROP.
- 17.2(d) E-27 in Record of Proceedings (ROP) and Attorney has been updated in CASE.
- 17.2(e) Briefing schedule properly set.
- 17.2(f) Briefing Schedule Extension Requests have been properly processed.
- 17.2(g) Briefs received by alien and/or DHS tabbed and have been noted in CASE under the Appeals tab, and Briefs section.
- 17.2(h) Returned mail was reviewed to determine if there was an administrative error and if the returned mail was handled correctly and appropriately.
- 17.2(i) Board Notices, briefs, forms, correspondence, and all other submissions are initialed, dated, and properly entered into the CASE system as received, if necessary, and then placed in the Record of Proceedings (ROP) in reverse chronological order (that is, the most current dated document is on top, and the oldest dated document is on the bottom of the Record of Proceedings (ROP)).
- 17.2(j) Read CASE Comments in CASE if it is lit up in the color red. Check if there is a notation that a document was received. Verify that document is in ROP.
- 17.3 If the ROP is more than 1 1/2" thick, another file shall be created and a new barcode shall be generated for the new ROP. **Refer to section 11.0 for creating a new barcode.**
- 17.4 Attach a pink Federal Court Remand flag to the ROP.

- 17.5 Attach a green 90/180 Day Clocks flag. *However, do not start the clock.*
- 17.6 If the alien is *detained*, attach only a “RUSH” flag to the ROP and do not include a green 90/180 Day Clock flag. A pink FCR flag is still necessary.

CHAPTER 18

HANDLING CORRESPONDENCE FOR FEDERAL COURT REMANDS

18.0 Handling Correspondence Received for Federal Court Remands.

- 18.1 Make sure the document is date stamped. The date stamp is considered the “filed on” or “received” date.
- 18.2 The attorney who signed the document must have an EOIR-27 on file.
 - 18.2(a) If the document is a brief submission without an EOIR-27, it should be rejected. Use Notice 08.
 - 18.2(b) If it is a letter, or another type of submission, send the correspondence to the FCR Coordinator for guidance.
- 18.3 If the letter or document is asking for status for case, the letter must be responded to.
 - 18.3(a) Pending case: Use a Notice 99D.
 - 18.3(b) Not pending: Route to Correspondence Clerk.
- 18.4 *Non-detained case.* All documents must have proof/certificate of service. If not, return to sender.
 - 18.4(a) Exception: Detained/*pro se* case: serve the documents for them. Use Notice 99F.
- 18.5 After a Form EOIR-33 or Form EOIR-27 is reviewed, it must be dated and initialed (alien’s address and attorney’s), tabbed, and filed.
- 18.6 Returned mail must be document tracked within 2 days of receipt. Much of the returned mail relates to cases where ROPS have not been received yet. Therefore, this material is easily and quickly filed in the drop file.
 - 18.6(a) Note: Before filing the returned mail in the drop file or ROP, you must determine why the document was returned. Was it an administrative error? If so, correct and resend.
- 18.7 Once a document is “document tracked” to determine the whereabouts of the file, the document must be filed in the drop file or ROP or routed to the attorney the same day.
 - 18.7(a) If the case is still with the Clerk’s Office and with another person or Team, remove the blue routing slip and attach the pink routing slip, initial/date the form, make a note of receipt in CASE Comments, copy/paste the CASE Comments note in an email and send the document to the responsible party.

- 18.8 If the ROP is no longer with the Clerk's Office, expedite handling (handle that day):
- 18.8(a) *Scanned to Board Member.* Remove blue routing, attach pink routing slip, initial/date the form, note the Board Member's name, make a note in CASE Comments, copy/paste the CASE Comments note in an email and send the document to the designated Supervisory Case Management Specialist for the Merits or Screening Panel according to the Board's most current Panel List.
 - 18.8(b) *Scanned to staff attorney or in Panel Cabinets.* Remove blue routing, attach pink routing slip, initial/date the form, make a note of receipt in CASE Comments, copy/paste the CASE Comments note in an email and send the document to the staff attorney, if assigned, or to the designated Supervisory Case Management Specialist for the Merits or Screening Panel according to the Board's most current Panel List. Route and take to the mail room for delivery.
 - 18.8(c) *Scanned to 21/ Area 3/ Cabinets 1-4 (Federal Court Remand cases):* Attach the pink routing slip and route the document to the Federal Court Remand Coordinator to file in the ROP.
 - 18.8(d) *Scanned to 20FL/Area 1/ HOLD cabinets:* Suzette Henderson to file in the ROP.
- 18.9 All computer and in-house notes, post-its, and blue routing slips should be removed from the documents before it is filed in the ROP
- 18.10 All forms—EOIR-27's and EOIR-33's—must be initialized, dated, and blue tabbed.
- 18.11 Each document that is routed to the Board Member/Staff attorney/ Paralegal / Case Management Specialist must have the pink routing slip.
- 18.12 Routing documents: Place a cover sheet on the documents and include on the cover sheet the name and the designated floor, and place the documents in the appropriate bin located in the mail room. The Mail room has a bin for each floor.
- 18.13 Examples of documents that should always be noted in CASE Comments and handled expeditiously:
- Motion to Expedite
 - Joint Motion to Expedite
 - Withdrawal of the appeal
 - Non-opposition to a motion
- 18.14 If you do not know whether or not a document requires a response or special handling, please consult with your supervisor.

CHAPTER 19
PROCESSING AMICUS BRIEFS RECEIVED FOR FEDERAL COURT REMANDS

19.0 Handling Amicus Briefs received for Federal Court Remands

- 19.1 A person or organization wishing to make an appearance as amicus curiae must file a written request with the Clerk's Office, preferably with a cover page labeled "REQUEST TO APPEAR AS AMICUS CURIAE." That request should specify the name and alien registration number ("A number") of the matter in which an amicus curiae wishes to appear and articulate why amicus curiae should be permitted to appear. The request should be served on all parties to the proceedings. The Board generally limits the appearance of amici curiae to the filing of briefs. Amicus curiae may request an opportunity to present oral argument, but such requests are granted sparingly.
- 19.2 All requests for Amicus Curiae subject to a Federal Court Remand are to be forwarded to the Federal Court Remand Coordinator for further review.
- 19.2(a) The Federal Court Remand Coordinator will recommend granting or denying the request for Amicus Brief.
- 19.3 The Federal Court Remand Coordinator will forward the recommendation and the ROP to the Senior Legal Advisor responsible for amicus briefs, who will take appropriate action before forwarding the amicus request and ROP to the Correspondence Clerk for further processing in accordance with the standard Clerk's Office procedures for non-Federal Court Remand amicus briefing requests.

CHAPTER 20
PROCEDURES ON DELETING FEDERAL COURT REMANDS
ENTERED IN ERROR

- 20.0 If a Federal Court Remand was entered in error and needs to be deleted from CASE, route the record of proceedings to the FCR Coordinator for guidance and handling or the Federal Court Remand Coordinator may determine that a Federal Court Remand was entered in error and will notify the person in the Clerk's Offices assigned to FCR duties. For such cases, follow these procedures:
- 20.1 If a Notice of Receipt was sent to the parties and the Federal Court Remand is subsequently deleted for administrative reasons, the parties must be notified in writing that the Notice of Receipt that was sent to them was issued in error; that the case is not pending before the Board.
- 20.1(a) This will be accomplished by a letter drafted by, or in consultation with, the Federal Court Remand Coordinator but which will go out under the name and title of the person in the Clerk's Office assigned to FCR duties. A copy of the notification letter must be filed in the ROP. A copy of the notification letter will also be sent to the Federal Court Remand Coordinator for record-keeping purposes.
- 20.1(b) After the notification letter to the parties has been placed in the mail, the appropriate Clerk's Office Team Leader should be advised that the Federal Court Remand in CASE needs to be deleted so that Clerk's Office Team Leader can delete the entry from CASE.
- 20.2 If a Notice of Receipt was not sent to the parties and the Federal Court Remand case is subsequently deleted for administrative reasons, it is not necessary to send a written notice, as indicated in Section 20.1 above.
- 20.3 Whenever any case is deleted from the database, a note must be placed in the CASE Comments tab in CASE indicating when it was deleted, what type of case was deleted, and the reason, followed by the team/ initials.

CHAPTER 21

PROBLEM SOLVING FOR FEDERAL COURT REMANDS

- 21.0 If you come across a problem with a Federal Court Remand, that problem should be brought to your supervisor's immediate attention after the following steps are taken:
- 21.1 Identify the problem.
 - 21.2 Prepare a written summary of the problem you have identified pertaining to the case.
 - 21.3 After researching the problem at hand, list the steps that need to be taken to resolve this problem.
 - 21.4 Identify sources used, that is, what sources, such as, but are not limited to, CASE, SOP(s), the Virtual Law Library (VLL), and any other additional reference materials used in your research.
 - 21.5 Based on the above steps, prepare a written summary on how this problem should be resolved.
 - 21.6 Take the written summary of the problem and proposed resolution to your Supervisor for review and determination on how to further proceed.
 - 21.7 Some problems may require consultation with the Federal Court Remand Coordinator, in addition to your Supervisor.

CHAPTER 22

COMPUTER OR SYSTEM PROBLEMS/ISSUES

- 22.0 When experiencing problems/issues with the computer or system, please do the following:
- 22.1 Contact the HELPDESK by phone at or via e-mail explaining the problems/issues that you are having.
 - 22.1(a) The HELPDESK can be reached by phone at (703) 305-7347.
 - 22.1(b) The HELPDESK can be reached via e-mail in Outlook by selecting EOIR, HELPDESK, (EOIR) through the address book.
 - 22.2 If you contact the HELPDESK via e-mail to explain your computer or system problems/issues, you must “cc” BIA-ITO, Donna Carr, and your supervisor.
 - 22.3 If you call the HELPDESK, you must forward confirmation of the call, which is your ticket number assigned by the HELPDESK, to your supervisor.
 - 22.4 If your computer or system problems/issues are not resolved in a timely fashion, that is, within an hour or less, please notify your supervisor immediately.

CHAPTER 23
COGNOS REPORTS FOR FEDERAL COURT REMANDS
(For future insertion)

CHAPTER 24

PERFORMANCE STANDARDS FOR FEDERAL COURT REMANDS

24.0 Performance Standards. *See also* Clerk's Office Performance Standards.

- 24.1 Court remands shall be entered within (3) business days from the date received by the Clerk's Office. *See Chapter 3.0.*
- 24.2 Notices of Receipt must be mailed out no more than 1 business day from date on the Notice. *See Chapter 4.0.*
- 24.3 The ROP must be logged in, assigned, and scanned to the Federal Court Remand Coordinator within five (5) business days from the date ready for log-in. *See Chapter 11.0.*
- 24.4 Briefing schedules shall be entered within three (3) business days from the time the ROP was received from the Federal Court Remand Coordinator. *See Chapter 14.0.*
- 24.5 Briefing schedules must be mailed out the same date as the date on the briefing Notice. *See Chapter 14.0.*
- 24.6 Extension requests shall be processed within 2 business days from the date received (date stamp). *See Chapter 15.0.*
- 24.7 Extension requests shall be mailed out the same day as on the Notice. *See Chapter 15.0.*
- 24.8 Briefs, forms, and other correspondence shall be processed within 2 business days from receipt by the Clerk's Office. *See Chapter 16.0 and 17.0.*
- 24.9 In those cases that were briefed or the briefing schedule has expired, the ROP must be logged in, assigned, and scanned within 5 business days from the date "ready for log-in." *See Chapter 17.0.*

CHAPTER 25

PROCESSING SECOND CIRCUIT “JACOBSON” ORDERS



25.0 Processing “Jacobson” Orders from the Second Circuit

- 25.1 The Federal Court Remand Coordinator will send the person in the Clerk’s Office assigned FCR duties a list of “Jacobson” orders issued by the United States Court of Appeals for the Second Circuit. This list will be sent out periodically (weekly or not less than once per month). The orders will be placed in the designated CO box in the Federal Court Remand Paralegal’s office.
- 25.2 The CO FCR staff will check to see if a motion is pending before the Board. This will determine which “Jacobson” Notice to send out since there are two options in CASE.
 - 25.2(a) A “Jacobson” Notice will be generated for each party and the file.
- 25.3 The “Jacobson Notice will be mailed out to the parties.
- 25.4 A note will be placed in CASE Comments that a “Jacobson” Notice was issued.
- 25.5 The file copy of the Notice will be sent to the Scanning Team on a monthly basis.
- 25.6 The Scanning Team member will scan the Notice.
 - 25.6(a) The Scanning Team member will scan the Notice to the designated folder on the Correspondence “*I Drive*” by year and month.
 - 25.6(b) Save by date of notice and lead A-Number (ex. for a Notice sent out June 14, 2015: **061415 A000-000-000.pdf**).
- 25.7 The Scanning Team member will return the Notices to the Clerk’s Office person assigned FCR duties after scanning.
- 25.8 The Clerk’s Office person assigned FCR duties will verify that each Notice has been scanned and properly named on the Correspondence “*I drive*.”
- 25.9 The Clerk’s Office person assigned FCR duties will check CASE for the ROP location.
 - 25.9(a) If the file is at the Board, he/she will file the notice in the ROP on top of the Board’s decision.
 - 25.9(b) If the file has been returned to the court, he/she will do the following:
 - 25.9(b)(1) He/she will prepare Notices for mailing to IC/NYC.
 - 25.9(b)(2) He/she will send an e-mail notification to IC/NYC (Sugeily Nunez-Mayorga and “cc” Star Pacitto), with a “cc” to Team

Leader John Seiler, regarding Notices to be sent (identify A-Number and NTA date, if more than one proceeding).

25.9(b)(3) He/she will file and keep all e-mail notifications in an email folder created and designated for such Notices.

25.10 The IC/NYC (Sugeily Nunez-Mayorga) will:

25.10(a) File Notices in the related ROP, on top of the Board's decision.

25.10(b) If the file is in FRC, Sugeily will request the ROP in order to file the Notice in the ROP on top of the Board's decision.

25.10(c) If the file cannot be located, Sugeily will put a note in CASE Comments regarding the document to be matched with the ROP.

25.10(d) Sugeily will maintain a file system for unfiled Notices.

25.10(e) Sugeily will respond to Clerk's Office person assigned FCR duties e-mail confirming filing status of each Notice.

25.11 **Use the following procedures for any mail involving Jacobson Notices that are returned by the Post Office:**

25.11(a) A note will be placed in CASE Comments that a "Jacobson" Notice was returned by the Post Office.

25.11(b) The returned mail will be sent to the Scanning Team when received.

25.11(b)(1) The Scanning Team member will scan the envelope and its contents for each piece of returned mail to the designated folder on the Correspondence "***I Drive***" by year and month.

25.11(b)(2) Save by date of Notice and lead A-Number followed by the notation "returned mail" (ex. for a Notice sent out June 14, 2015: **061415 A000-000-000 returned mail.pdf**).

25.11(b)(3) The Scanning Team member will return the returned mail to the Clerk's Office person assigned FCR duties after scanning.

25.12 The Clerk's Office person assigned FCR duties will verify that each returned mail has been scanned and properly named on the Correspondence "***I drive***."

25.13 The Clerk's Office person assigned FCR duties will check CASE for the ROP location.

25.13(a) If the file is at the Board, he/she will file the returned mail in the ROP on top of the Jacobson Notice.

25.13(b) If the file has been returned to the court, he/she will do the following:

25.13(b)(1) He/she will prepare the returned mail for mailing to IC/NYC.

25.13(b)(2) He/She will send an e-mail notification to IC/NYC (Sugeily Nunez- Mayorga and “cc” Star Pacitto), with a “cc” to Team Leader John Seiler, regarding the returned mail to be sent (identify A-Number and NTA date, if more than one proceeding).

25.13(b)(3) He/she will file and keep all e-mail notifications in an email folder Created and designated for such Notices.

25.14 The IC/NYC (Sugeily Nunez-Mayorga) will:

25.14(a) File the returned mail in the related ROP, on top of the Jacobson Notice.

25.14(b) If the file is in FRC, Sugeily will request the ROP in order to file the returned mail in the ROP on top of the Jacobson Notice.

25.14(c) If the file cannot be located, Sugeily will put a note in CASE Comments regarding the returned mail document to be matched with the ROP.

25.14(d) Sugeily will maintain a file system for unfiled returned mail involving Jacobson Notices.

25.14(e) Sugeily will respond to Clerk’s Office person assigned FCR duties e-mail confirming filing status of each returned mail involving Jacobson Notices.

CHAPTER 26
PROCESSING FEDERAL COURT REMAND CASES ON THE
PRO BONO LOOKOUT LIST



26.0 Processing Federal Court Remand Cases on the Pro Bono Lookout List

- 26.1 The Office of Legal Access Program (OLAP) will notify John Seiler, with a “cc” to the Federal Court Remand Coordinator that a Federal Court Remand is on the Pro Bono Project Lookout List.
- 26.2 The Federal Court Remand Coordinator will notify John Seiler, who will then notify OLAP, once a Federal Court Remand on the Lookout List is ready (i.e. ROP here, initial processing complete, no briefing schedule yet set).
- 26.3 The Federal Court Remand Coordinator will forward the ROP(s) on to John Seiler who will place the ROP(s) in the Pro Bono cubicle for review for prop bono screening.
- 26.3(a) OLAP will then notify the pro bono organization interested in the case that the Federal Court Remand is in that week’s batch of cases for screening.
- 26.4 If the pro bono screener selects the case, it is included in the Pro Bono Project. The pro bono attorney should submit a Notice of Appearance as Attorney before the Board (EOIR-27) along with a written request to the Board (via the Clerk’s Office) to set a briefing schedule. Such a request must include proper service upon the opposing party.
- 26.4(a) Once the EOIR-27 is filed, the Clerk’s Office will copy the ROP for the pro bono attorney.
- 26.5 After the Clerk’s Office copies the ROP, the case will be returned to the Federal Court Remand Coordinator.
- 26.5(a) The Federal Court Remand Coordinator will review the case and if a written request for briefing has been filed, will forward the case to the Clerk’s Office to have a briefing schedule set.
- 26.5(b) The absence of a written request for a briefing schedule does not affect the Board’s discretion as to whether to set – or not – a briefing schedule for that case.
- 26.6 Either party may request a briefing schedule extension as set forth general in Chapter 15 above, or in the BIA Practice Manual.
- 26.7 Once the briefing schedule or any extension has expired, the case will be returned to the Federal Court Remand Coordinator for adjudication.
- 26.8 If OLAP has been notified of possible pro bono interest in a Federal Court Remand that has been assigned to a Board staff attorney, then OLAP will follow the same procedures

that it uses for non-Federal Court Remand cases (i.e. case appeals) which have been assigned to a staff attorney.

- 26.8(a) The Federal Court Remand Coordinator should be “cc’d” on any request to a Board Member, Senior Panel Attorney, Team Leader, or staff attorney for a Federal Court Remand where the case is requested for possible inclusion in the Pro Bono Project after the case has been assigned to a Board staff attorney.

CHAPTER 27 |
EXHIBITS